

## The Atchison Topeka And Santa Fe

Between San Francisco and Chicago  
Via Albuquerque, and Kansas City.

Sneed Comfort and Elegance  
Pullman and Dining Service Unsurpassed.

Passing through the Grandest Scenery of the West  
F. W. Prince, Agent, 641 Market St. San Francisco Cal

## Sacramento Saloon

ANDY TODD, Prop.

The best of liquid refreshments always on tap, including imported  
and domestic goods.

Good Cigars are a part of our stock.

You never make a mistake at the old corner.

## The Eagle Market

Our Meats are the best, if you are not  
satisfied with the place you are trading  
call on us. Our motto is "The Best."  
A pleased patron means a steady customer

## The Eagle Market

### ANNUAL STATEMENT

Of The Home Insurance Co. of New  
York.

Capital (paid up).....	\$ 3,000,000 00
Assets.....	21,239,052 88
Liabilities, exclusive of capi- tal and net surplus.....	9,518,551 54
<b>Income</b>	
Premiums.....	8,785,528 49
Other sources.....	853,478 14
Total income, 1905.....	9,639,006 63
<b>Expenditures</b>	
Losses.....	4,240,249 45
Dividends.....	600,000 00
Other expenditures.....	3,032,720 90
Total expenditures, 1905.....	7,872,970 35
<b>Business, 1905.</b>	
Risks written.....	1,330,688,280 00
Premiums thereon.....	13,244,369 17
Losses incurred.....	6,137,946 32
<b>Nevada Business</b>	
Risks written.....	318,390 00
Premiums received.....	7,150 53
Losses paid.....	1,983 84
Losses incurred.....	1,983 84
A. M. Brutis, Secretary.	

### ANNUAL STATEMENT

Of Business of the Nevada Co. for 1905

Receipts.....	\$132,652 60
Disbursements.....	147,864 57
X. M. Hickey, Cashier	

**SPECIAL EXCURSION FROM SAN  
FRANCISCO TO CITY OF MEXICO  
AND RETURN. DECEMBER 16th,  
1905.**

A select party is being organized by  
the Southern Pacific to leave San  
Francisco for Mexico City, December  
16th, 1905. Train will contain fine  
vestibule sleepers and dining car, all  
the way on going trip. Time limit  
will be sixty days, enabling excursion-  
ists to make side trips from City of  
Mexico to points of interest. On re-  
turn trip, stopovers will be allowed at  
points on the main lines of Mexican  
Central, Santa Fe or Southern Paci-  
fic. An excursion manager will be in  
charge and make all arrangements.  
Round trip rate from San Francisco  
\$80.00.

Pullman berth rate to City of Mex-  
ico, \$12.00.  
For further information address in-  
formation Bureau, 613 Market street,  
San Francisco Cal.

For Bargains in toys go to Wiard's  
where every article is cut to cost  
price.

Dill and sweet pickles, India Relish  
Chutney Picallilli and Chows, all  
Heinz goods, best on earth, to be had  
at Meyers Merc. Co.

Notice of Application for Permission  
to appropriate the Public Waters of  
the State of Nevada.

Notice is hereby given that on the  
12th day of Sept., 1905, in accordance  
with Section 23, Chapter XLVI, of the  
Statutes of 1905, one Philip V. Mighels  
and Frank L. Wildes of Carson,  
County of Ormsby and State of Ne-  
vada, made application to the State  
Engineer of Nevada for permission to  
appropriate the public waters of the  
State of Nevada. Such application to  
be made from Ash Canyon creek at  
points in N E 1/4 of S W 1/4 of section  
10 T 15 N R 19 E by means of a dam  
and headgate and five cubic feet per  
second is to be conveyed to points  
in N E 1/4 of S W 1/4 of section 11,  
T 15 N R 19 E, by means of a flume  
and pipe and there used to generate  
electrical power. The construction  
of said works shall begin before June 1,  
1906, and shall be completed on or  
before June 1, 1907. The water shall  
be actually applied to a beneficial use  
on or before June 1, 1907.

Signed:  
HENRY THURTELL,  
State Engineer.

### SCHOOL APPORTIONMENT. STATE OF NEVADA.

Department of Education,  
Office of Superintendent of Public In-  
struction.

Carson City, Nevada, July 11, 1905

To the School Officers of Nevada:  
Following is a statement of the sec-  
ond semi-annual apportionment of  
School Monies for 1905, on the basis  
of \$6.990202 per census child:

Counties	children	Amt.
Churchill.....	135	\$ 943 68
Douglas.....	317	2,215 90
Elko.....	1,120	7,829 02
Esmeralda.....	217	1,516 97
Eureka.....	389	2,719 20
Humboldt.....	741	5,159 31
Lander.....	318	2,223 81
Lincoln.....	764	5,338 11
Lyon.....	480	3,343 11
Nye.....	253	1,763 85
Ormsby.....	60	419 33
Storey.....	980	6,800 18
Washoe.....	2,412	16,860 36
White Pine.....	525	3,669 83
<b>Total.....</b>	<b>9,430</b>	<b>\$65,917 61</b>

Joe Platt has received samples of  
tailor made suits which are, with-  
out doubt the finest ever shown in  
this city. A number of suits have  
already been made and they are per-  
fect fits in every case. Get your  
measure taken and do it before the  
best samples are gone. No guaran-  
tees a fit or no pay. 1122-1131

### IN THE SUPREME COURT OF THE STATE OF NEVADA.

Appealed From the Fourth Judicial  
District Court, Elko County, Ne-  
vada.

The State of Nevada,  
Plaintiff and Respondent,  
against

Paul Lovelace,  
Defendant and Appellant.  
Attorney General James G. Sweeney,  
Attorney for State.

Wm. Woodburn, Attorney for Appel-  
lant.

Defendant appeals from a judgment  
rendered against him in the District  
Court in and for Elko county for the  
crime of burglary; and he assigns two  
reasons why, as he claims, judgment  
should be reversed.

First, the insufficiency of the in-  
dictment on which the judgment was  
based; and

Second, the absence of corroborat-  
ion of the testimony of an accomplice  
who testified against the defendant.

Under the first head the point made  
is on the proper interpretation of the  
following clause in the indictment:

"The said Paul Lovelace on the 11th  
day of May, 1904, in the night time  
of said day, or thereabouts, in the County  
of Elko, State of Nevada, without au-  
thority of the law and before the find-  
ing of this indictment, did wilfully,  
unlawfully and burglariously break  
and enter the building of one Alexan-  
der Burrell."

Counsel for defendant in his or  
their brief, if an unsigned paper in the  
usual form of a brief found among the  
papers in the case as they appear filed  
in this court, is by us treated as a  
brief, say:

"Appellant claims that this indict-  
ment is not good at common law, be-  
cause the words 'or thereabouts', re-  
late to and qualify the words 'night  
time'. This question was not raised in  
the court below, but is here pre-  
sented for the first time.

The question is not whether the in-  
dictment would be good 'at common  
law'; it is whether it is good under  
the statute of Nevada that governs  
the subject. The subject is governed  
by the sections following concerning  
indictments:

Section 4339, Compiled Laws, 1905,  
provides that the indictment shall  
contain "..... a statement of  
the acts constituting the offense, in  
ordinary and concise language, and in  
such manner as to enable a person of  
common understanding to know what  
is intended."

Section 4206, Compiled Laws, 1905,  
has the following: "The words used  
in an indictment shall be construed  
in the usual acceptance in common  
language, except such words and  
phrases as are defined by law, which  
are to be construed according to their  
legal meaning."

Section 4208, Compiled Laws, 1905,  
provides:  
Sixth—That the act or omission  
charged as the offense is clearly and  
distinctly set forth in ordinary and  
concise language, without repetition,  
and in such a manner as to enable a  
person of common understanding to  
know what is intended.

Section 4209 is as follows:  
"No indictment shall be deemed  
insufficient, nor shall the trial, judg-  
ment, or the proceeding thereon, be  
affected, by reason of any defect or  
imperfection in matters of form,  
which shall not tend to the prejudice  
of the defendant."

The foregoing enactments show that  
it was the intention of the legislature  
of Nevada that in construing indict-  
ments the courts should not indulge  
in a too exact and over-strict view of  
language; but that certainty to a com-  
mon intent was all that should be  
required.

True in the paragraph of the in-  
dictment under discussion, there is  
something of a departure from the  
best models of grammatical, rhetori-  
cal or linguistic expression. But we  
think the paragraph meets the  
requirement of the statute that "the  
acts constituting the offense should be  
charged in ordinary and concise lan-  
guage, and in such manner as to en-  
able a person of common understand-  
ing to know what is intended." To  
hold the indictment not fatally bad is,  
we think, to keep within the statu-  
tory command, as expressed above  
in section 4206, or at least not to de-  
part too far from such command, to-  
wit, to construe "in the usual accept-  
ance in common language."

We think the defect of the indict-  
ment complained of was such as in  
the language of Section 4209, above  
quoted was a "defect or imperfection  
in matter of form, which did not tend  
to the prejudice of the defendant."

The language of the indictment  
could doubtless be made more accu-  
rate; but we think it is not fatally  
defective. In brief of Counsel for de-  
fendant the following correction is of-  
fered:

"If the words 'or thereabouts' had  
been inserted after the words 'on the  
11th day of May, 1904', the indict-  
ment could not be the subject of criti-  
cism or assault."

Perhaps the following phraseology  
might be considered an improvement  
on the phraseology of the indictment:  
The said Paul Lovelace did in the  
night time of the 11th day of May,  
1904, or in the night time of some  
day thereabouts the said 11th day  
of May, 1904, enter, etc.

### Cyclopedia of Law and Procedure (Cyc.) vol. 6, page 199; and authori- ties there mentioned.

While the indictment, in the respects  
mentioned is in truth inartistically  
drawn, yet under the statutes and the  
authorities above stated, we cannot  
say that it is fatally defective. The  
sections of the statute above quoted  
show that the legislative intent was  
that the courts of the State should  
give interpretations liberal to sustain  
rather than rigid to overthrow indict-  
ments when, as in this case substan-  
tial rights of defendants are not there-  
by prejudiced; and as we have from  
the authority mentioned seen that  
even under the common law to over-  
throw this indictment would seem too  
rigid an interpretation.

Under the second head the error  
claimed is stated in the brief of Coun-  
sel for defendant as follows:

"On the trial of appellant the de-  
position of one Ross, taken at the pre-  
liminary examination was read in  
evidence, because he broke jail and  
escaped before the trial and his pres-  
ence could not be procured."

"He testified that he and appellant  
entered the store of Alexander Burrell  
on the day named in the indictment,  
stole a lot of amalgam of the value  
of about \$2500, and buried it a short  
distance from the scene of the crime.  
Appellant claims there was no testi-  
mony corroborative of that of Ross,  
and that a conviction could not be  
had."

In this contention Counsel is, we  
think, clearly mistaken. Besides  
minor points of corroboration, not nec-  
essary to be mentioned here, the tes-  
timony of the witness W. J. Davidson  
corroborates the testimony of the ac-  
complice Ross. Davidson testifies that  
the defendant requested him (David-  
son) "to help him rob the store at  
Edgemont", that is the store that was  
robbed. Davidson further testifies  
that the defendant "told him he would  
have got the amalgam if something  
had not happened"—the amalgam was  
the article stolen in the robbery.  
Davidson further testifies that the  
defendant was trying to dispose of the  
amalgam, the thing stolen; and as-  
sured Davidson this question: "What  
am I going to do about that damned  
stuff?"

If this testimony was true, and its  
truth was a question entirely for the  
jury, there was corroboration of the  
testimony of the accomplice Ross.

Defendant fails in sustaining either  
of his two points urged in argument  
for the reversal of the judgment.

The judgment is therefore affirmed.

Fitzgerald, C. J.  
We Concur:  
Talbot, J.  
Norcross, J.  
Filed January 4, 1906.

### TOURIST EXCURSION PARTIES TO THE EAST.

Over the Scenic Line of the World.

If you are going east and want to  
save money, yett ravel with pleasure  
and comfort, it will pay you to in-  
vest our personally conducted tourist  
excursions. The parties are in charge  
of a Manager who accompanies the  
cars through t oSt. Louis, Chicago  
and the Atlantic Coast and gives his  
personal attention to the welfare of  
each passenger in his charge. The  
schedules are arranged so you pass  
through the world-famed scenery on  
the Denver and Rio Grande Railroad  
by daylight. On ntrop Observation  
cars (something a tirely new) are  
free to all passengers. Let us know  
where you are going. Information  
be glad to give you full rates of  
about your trip, the lowest. Some-  
fare and send you free of charge some  
handsome illustrated books of travel.

W. J. SHOTWELL,  
General Agent.  
625 Market Street, San Francisco, Cal.

### Cattle and Horses.

The City Marshal gives warning  
that all loose stock found on the  
streets from this time on will be em-  
pounded. A strict attention to this  
parties owning stock will take warn-  
city ordinance will be enforced and  
ing. Empounding fines will be impos-  
ed in every case.

Wm. Kinney,  
Marshal.

LADIES: I make from \$18 to \$30  
per week and want all to have the  
same opportunity. The work is very  
pleasant and will pay you very han-  
somely for even your spare time. I  
speak from experience as I have fre-  
quently made \$5.00 in a single day.  
This is no deception. I want no  
money and will gladly send full par-  
ticulars to all. Address,  
MRS. W. W. MITCHELL,  
Box 10, Portland Maine.

### Notice to Hunters.

Notice is hereby given that any  
person found hunting without a permit  
on the premises owned by Theodore  
Winters, will be prosecuted. A lim-  
ited number of permits will be sold  
at \$5 for the season or 50 cents for  
one day.

A. C. WINTERS.

Take a look at the new ties that  
are being shown at Platt's.

Wiard is closing out his \$20.000  
stock at a sacrifice. This is an op-  
portunity for Christmas shoppers.

### Liberal Offer.

I beg to advise my patrons that the  
price of disc records (either Victor  
or Columbia), to take effect imme-  
diately, will be as follows until fur-  
ther notice:

Ten inch disks formerly 70 cents  
will be sold for 60 cents.

Seven inch records formerly 50c,  
now 35c. Take advantage of this of-  
fer.

C. W. FRIEND.

### ORDINANCE NO. 112.

On Ordinance for the Licensing of  
Games and Gambling Devices in  
Carson City.

The Board of Trustees of Carson  
City do ordain:

Section 1. Each and every person,  
firm, company, corporation, or asso-  
ciation within the limits of Carson  
City, who shall carry on as agent,  
manager, owner or proprietor, any  
game of faro, roulette, rondo, keno,  
or any other game not prohibited by  
the statutes of the State of Nevada,  
or who shall carry on or operate any  
nickle-in-the-slot-machine, or who  
shall carry on or conduct any bank-  
ing game played with cards, dice or  
other device, whether the same be  
played with money, checks, credit or  
any other valuable thing or repre-  
sentative of value, shall pay for and  
obtain a city license to carry on such  
game, and shall pay or each license  
twenty-five dollars (\$25.00) per month  
provided that when more than one  
of said games are carried on in the  
same room or apartment, whether  
by the same or different owners, each  
game so carried on shall be separat-  
ly licensed; and provided further,  
that the license imposed by this Or-  
dinance is for the revenue only, and  
not for the purpose of prohibition,  
suppression or regulation.

Section 2. The provisions of this  
Ordinance shall apply to all time  
on and after October 1, 1905.

Section 3. Ordinance Number 53  
and all other ordinances or parts of  
Ordinances in so far as they conflict  
with the provisions of this Ordi-  
nance are hereby repealed.

President of the Board of City Trus-  
tees of Carson City, Nevada.

Attest:  
H. B. Van Etten, Clerk.

### OFFICIAL COUNT OF STATE FUNDS.

County of Ormsby, s. s.

James G. Sweeney being duly sworn  
say they are members of the  
Board of Examiners of the State of  
Nev., that on the 29th day of Nov '05  
they, (after having ascertained from  
the books of the State Controller the  
amount of money that should be in  
the Treasury) made an official exami-  
nation and count of the money and  
vouchers for money in the State Treas-  
ury of Nevada and found the same  
correct as follows:

Coin.....	\$151,107 29
Paid coin vouchers not re- turned to Controller.....	16,835 71
<b>Total.....</b>	<b>167,945 00</b>
<b>State School Fund Securities.</b>	
Irredeemable Nevada State School bond.....	380,000 00
Mass. State 3 per cent bonds.....	537,000 00
Nevada State Bonds.....	253,700 00
Mass. State 3 1/2 per cent bonds.....	313,000 00
Unad States Bonds.....	215,000 00
<b>Total.....</b>	<b>\$1,866,643 00</b>

W. G. Douglass  
James G. Sweeney

Subscribed and sworn before me this  
29th day of November, A. D. 1905.

Notary Public, Ormsby County, Nev.

### ANNUAL STATEMENT

Of The State Life Insurance Company

Indianapolis, Ind.	none
Capital (paid up).....	3,160,083 81
Assets (admitted).....	2,615,497 63
Liabilities, exclusive of capi- tal and net surplus.....	4,046,907 77
<b>Income</b>	
Premiums.....	197,125 01
Other sources.....	2,224,032 78
Total income, 1904.....	300,902 69
<b>Expenditures</b>	
Dividends.....	65,240 11
Other expenditures.....	1,050,102 76
Total expenditures, 1904.....	1,416,245 56

**Business, 1904**

Risks written.....	23,276,143 09
Premiums thereon.....	805,648 06
Losses incurred.....	316,885 00
<b>Nevada Business.</b>	
Risks written.....	10,000 00
Premiums received.....	2,852 43
Losses paid.....	5,000 00
W. S. Wynn Secretary.	

New lines of footwear ar arrive  
daily at Ed. Burlington's Shoe Sto-  
He has been considerate in ship-  
ping delay in freight. He is arriv-  
ing daily. You will find the best  
and best lines of shoes. He has  
ried in his store an. prices are at  
ways the lowest. You can save  
money by purchasing footwear at  
his store.

### Quarterly Report.

OFFICE COUNTY AUDITOR  
Ormsby County, Nevada.

To the Honorable, the Board of Coun-  
ty Commissioners, Gentlemen:  
In compliance with the law, I  
herewith submit my quarterly re-  
port showing receipts and disburse-  
ments of Ormsby County, during  
the quarter ending Dec. 30, 1905.

### Receipts.

Balance in County Treasury at end of last quarter.....	\$40023 36 1/2
County licenses.....	701 05
Gaming licenses.....	1057 50
Liquor licenses.....	310 20
Fee of Co. officers.....	531 40
Rent of county bldg.....	250 00
Poll taxes.....	620 40
1st. Instalment taxes.....	14924 21 1/2
Special school tax.....	1710 90 1/2
Slot machine license.....	282 00
Cigarette license.....	42 20
Semi-Annual Set. State Treas.....	531 75
Delinquent taxes.....	23 80 1/2
Sale of horse.....	10 00
Sale of pump.....	12 00
Keep of W. Bowen.....	45 00
<b>Total.....</b>	<b>61,977 36 1/2</b>

### Disbursements.

State fund.....	6592 82 1/2
General fund.....	2732 32
Salary fund.....	2390 00
Agl. Assn. Bond Fund, Series A.....	100 00
Agl. Assn. Bond Fund, Series B.....	100 00
Co. School Fund, Dist. 1.....	388 95
Co. School fund, Dist. 2.....	151 20
Co. School fund Dist. 3.....	190 70
Co. School Fund Dist. 4.....	124 00
State School fund, Dist. 1.....	2905 60
State school fund, Dist. 2.....	160 00
State School fund, dist. 3.....	120 00
State School fund, Dist. 4.....	165 00
Special building.....	5850 00
School library, No. 2.....	86 00
<b>Total.....</b>	<b>21,968 59 1/2</b>

### Re capitulation.

Cash in Treasury October 1905 .....	40023 36 1/2
Receipts from Oct. 1st to Dec 30, 1905.....	21054 00 1/2
Disbursements from Oct. 1st to Dec 30, 1905.....	21968 59 1/2
Balance cash in County Treas. January 1, 1906.....	29108 77 1/2
Respectfully submitted, H. DIETRICH, County Auditor.	

### Recapitulation